

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2869 Session of
1986

INTRODUCED BY FOX, JAROLIN, NAHILL, STEVENS, SAURMAN, CORNELL, MORRIS, RYAN, REINARD, PETRONE, ANGSTADT, MICOZZIE, McCLATCHY, WOGAN, MAIALE, GODSHALL, NOYE, R. C. WRIGHT, PRESSMANN, RAYMOND, JOHNSON, FISCHER, POTT, KOSINSKI, BALDWIN, KENNEY, O'BRIEN, CHADWICK, DONATUCCI, J. L. WRIGHT, E. Z. TAYLOR, PERZEL, DISTLER, BIRMELIN, ACOSTA, HERSHEY, RIEGER, GLADECK, BUNT, J. TAYLOR, GANNON, LANGTRY, FEE, CARLSON, MERRY, HALUSKA, ARTY, G. SNYDER, DURHAM, FREIND, FOSTER, STEIGHNER, COY, PUNT, TELEK, MARKOSEK, DeLUCA, DININNI, BUSH, FLICK, RUDY, LEVDANSKY, BRANDT, LUCYK, MRKONIC, B. SMITH, VROON, CAWLEY, BELARDI, VEON, BOOK, GRUPPO, SEMMEL, LESCOVITZ, D. W. SNYDER, BLACK, GALLEN, DORR, BURD, TIGUE, MAYERNIK, ARGALL, CIVERA, PITTS, BARLEY, BOWSER, HERMAN, MILLER, STABACK, DAVIES, BOYES, STAIRS, KASUNIC, MANMILLER, HAGARTY, LASHINGER, BLAUM, JACKSON, BOWLEY, WASS, WAMBACH, PISTELLA, CIMINI, SERAFINI, MACKOWSKI, HAYES, FARGO, WESTON, HOWLETT AND CLARK, OCTOBER 7, 1986

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 7, 1986

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," requiring mandatory
11 sentences for certain drug sales; and further authorizing
12 arrest without warrant.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 14 of the act of April 14, 1972 (P.L.233,

1 No.64), known as The Controlled Substance, Drug, Device and
2 Cosmetic Act, amended October 26, 1972 (P.L.1048, No.263), is
3 amended to read:

4 Section 14. Distribution to Persons Under Age Eighteen.--(a)
5 Any person who is at least twenty-one years of age and who is
6 not himself a drug dependent person who violates this act by
7 distributing a controlled substance listed in Schedules I
8 through V to a person under eighteen years of age who is at
9 least four years his junior is punishable by a term of
10 imprisonment up to twice that otherwise authorized by subsection
11 (f) of section 13 of this act, in addition to any fine
12 authorized by this act.

13 (b) Any person who sells, delivers, offers for sale or holds
14 for sale to a person under eighteen years of age cocaine or any
15 of its derivatives, heroin or analogues of a controlled
16 substance classified in Schedule I, II or III shall be
17 sentenced, upon conviction, to a mandatory term of imprisonment
18 of not less than fifteen years notwithstanding any other
19 provision of this act or any other statute to the contrary.

20 (1) For purposes of this section, an "analogue" means a
21 chemical compound designed structurally similar to another but
22 differing only by a single element of the same valence and group
23 of the periodic table as the element it replaces.

24 (2) Any person convicted of a second or subsequent offense
25 of this subsection shall be imprisoned for a term of twice the
26 term authorized.

27 Section 2. Section 34(c)(3) of the act is amended to read:

28 Section 34. Administration of Act.--* * *

29 (c) The secretary may designate specific officers and
30 employes of the Bureau of Drug Control as law enforcement

1 personnel and authorize such personnel to:

2 * * *

3 (3) Make arrests without warrant for any offense under this
4 act committed in his presence, or if he has probable cause to
5 believe that the person to be arrested has committed or is
6 committing a violation of this act which may constitute a felony
7 or a misdemeanor or is using a controlled substance;

8 * * *

9 Section 3. This act shall take effect in 60 days.